IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPICATION No.2610 of 2007

Sanjay Baburao Kamble Applicant.

Vs.

THE STATE OF MAHARASHTRA ..Respondent.

Mr Prasad B. Kulkarni, Advocate i/b V.V.Purwant,Advocate for the Applicant.

Mr S. S. Pednekar, APP for the State.

CORAM: V.C. DAGA, J.
DATED: 13/9/2007.

P.C.:-

1. Heard learned Advocate for the applicant and the learned A.P.P.for the State.

2. Perused application and the material available on record.

3. This application under Section 438 of the Cr.P.C.,seeking anticipatory bail in C.R.No.170 of 2007 registered with the Sadar Bazar Police Station, Solapur for the offence punishable under Sections 498A, 504,506 of the I.P.C.

4. According to the prosecution, the complainant Rajshri resides in the house owned

by her father. The complaint of the complainant in the F.I.R.is that accused-applicant fell in love with her. Both got married as per rites of Baudh Religion on 16.3.1999. The applicant accused treated her well for two years. The complainant requested him to allot a separate room in chawl and, subsequently, she came to know that the applicant accused is not from 'Mahar' caste but he is a cobbler by caste and that his earlier marriage was subsisting and from that marital tie he has a son.

5. According to the prosecution, on 28.1.2003 while the complainant was in kitchen, kerosene stove burst and fire caught her. Consequently, she suffered serious burn injuries. The complainant came to be admitted in Wadia Hospital, Solapur and after her discharge from the said hospital; the applicant-accused refused to maintain the said complainant.

6. On the basis of above allegations complaint came to be registered against the accused-applicant for the offences referred to

hereinabove.

7. According to the learned counsel for the applicant, the accused was already married and has a child from the earlier marriage. If that be so, the provisions of Section 498-A of the I.P.C. cannot be applied. So far as other Sections are concerned, they are bailable.

8. Learned APP for the State could not satisfy me as to what purpose would be achieved by seeking custody of the accused. Prima facie, the ingredients of the offence under Section 498-A of the I.P.C. are not made out. In this view of the matter, I am inclined to grant anticipatory bail to the present applicant on the following terms and conditions:

9. The applicant, Sanjay Baburao Kamble, in the event of arrest in C.R.No.170 of 2007 be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount on following terms and conditions:

(a) that he should report to Sadar Bazar Police Station, Solapur once in a week i.e. on every Monday between 3.00 to 5.00 p.m. till filing of the charge sheet.

(b) the applicant shall no directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) the applicant shall n pressurise witnesses and that he shall co-operate with the Investigating agency, if required.

10. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

11. The application is allowed in the above

terms.

(V.C. DAGA,J.)